



For a thriving New England

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December 2, 2015

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VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

RE: Notice of Violations and Intent to File Suit under the Clean Water Act

To Whom It May Concern:

The Conservation Law Foundation (“CLF”)¹ hereby gives notice to the addressed persons of its intent to file suit pursuant to Section 505 of the Federal Water Pollution Control Act (“Clean Water Act,” “CWA,” or “Act”), 33 U.S.C. § 1365(a), for violations of the Act specified below. This letter constitutes notice pursuant to 40 C.F.R., Part 135 (the “Notice”), to the addressed persons of CLF’s intention to file suit in United States District Court of the District of Massachusetts, seeking appropriate equitable relief, civil penalties, and other relief no earlier than 60 days from the postmark date of this Notice letter.

¹ CLF is a not-for-profit 501(C)(3) organization dedicated to the conservation and protection of New England’s environment. Its mission includes the conservation and protection of the many uses of the waters in and around the Narragansett watershed for, among other things, fishing, recreation, scenic/aesthetic and scientific purposes. CLF’s membership includes people who live in or near the Narragansett watershed, and use and enjoy the watershed for recreational, aesthetic, and/or scientific purposes. The interests of CLF’s members are adversely affected by the Facility’s discharges of stormwater pollution to the receiving waters without a permit and in violation of the Clean Water Act.

The subject of this action is three-fold. First, Borden Light Marina, Inc. (hereinafter “Borden Light”) is discharging stormwater directly associated with boat storage, repair and transportation (SIC Code 4493) and boat building and repair (SIC Code 3732) at 1 Ferry Street, Fall River, MA 02721 (the “Facility”), to the waters of the United States without a permit, in violation of Sections 301(a) and 402(p)(2)(B) of the CWA, 33 U.S.C. §§ 1311(a) and 1342(p)(2)(B).

Second, Borden Light has failed to obtain coverage under any Clean Water Act permit including the Multi-Sector General Permit² (“MSGP”) adopted by the United States Environmental Protection Agency (“EPA”) for industrial sources of polluted stormwater runoff, and failed to comply with the specific requirements of any such permit, in violation of Sections 402(p)(3)(A) and 402(p)(4)(A) of the CWA, 33 U.S.C. §§ 1342(p)(3)(A) and (p)(4)(A), and 40 C.F.R. §§ 122.26(c)(1) and (e)(1). In addition, Borden Light has failed to obtain individual National Pollutant Discharge Elimination System (“NPDES”) permit coverage for the Facility’s process water discharges associated with its engine flushing, filter cleaning, hull pressure washing and other boat maintenance services.

BACKGROUND

Mount Hope Bay (Waterbody ID MA61-06) is a 2.29-square mile waterbody within the Narragansett watershed. Borden Light discharges into the Mount Hope Bay (Waterbody ID MA61-06). Mount Hope Bay flows thereafter into Narragansett Bay and the Atlantic Ocean. EPA has designated Mount Hope Bay as a habitat for “fish, shellfish, and wildlife protection and propagation” and “aquatic life harvesting.”³

EPA has designated Mount Hope Bay (Waterbody ID MA61-06) as impaired pursuant to Section 303(d) of the Act, 33 U.S.C. § 1313(d), for failure to meet minimum water quality standards. Mount Hope Bay is impaired for algal growth (namely chlorophyll-a), pathogens (namely fecal coliform), nutrients (namely nitrogen), fish bioassessments, and water temperature.⁴ Stormwater, industrial point source discharge, and municipal point source discharge have been identified as probable sources of impairments in Waterbody MA61-06.

Stormwater is water from precipitation events that flows across the ground and pavement after rain events or after snow and ice melt.⁵ Industrial activities, such as material handling and

² ENVIRONMENTAL PROTECTION AGENCY, MULTI-SECTOR GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY (MSGP) [hereinafter MSGP], *available at* http://water.epa.gov/polwaste/npdes/stormwater/upload/msgp2015_finalpermit.pdf (last visited December 1, 2015).

³ See 2012 Waterbody Report for Mount Hope Bay *at* http://ofmpub.epa.gov/waters10/attains_waterbody.control?p_au_id=MA61-06&p_list_id=MA61-06&p_cycle=2012 (last visited December 1, 2015).

⁴ *Id.*

⁵ See 40 C.F.R. § 122.26(b)(13).

storage, vessel refinishing and painting, vessel and equipment fluid changes, equipment maintenance and cleaning, boat and vehicle exterior washing, industrial processing, mechanical repairs, fueling, engine flushing, or other operations that occur at industrial facilities, may be exposed to stormwater flow.⁶ Stormwater from industrial facilities, contaminated with pollutants, is then conveyed into nearby waterbodies.⁷

In order to discharge stormwater lawfully, Borden Light is required to apply for coverage under a Clean Water Act discharge permit such as the MSGP. Since at least 2010, Borden Light has been specifically required to apply for coverage under the MSGP by filing a Notice of Intent (“NOI”) within ninety days after the initial issuance of the MSGP.⁸ On June 4, 2015, after expiration of the prior permit, the EPA issued the 2015 MSGP requiring all covered facilities to file an NOI for coverage under the 2015 permit.

Borden Light has failed to obtain coverage under the MSGP or any other valid authorization at any time. Therefore, Borden Light is operating in violation of the Clean Water Act.

PERSONS RESPONSIBLE FOR ALLEGED VIOLATIONS

Borden Light, Inc. is the person, as defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), responsible for the violations alleged in this Notice. Borden Light has operated the Facility since at least 1987 and currently advertises as the operator of the Facility.⁹ Borden Light and its agents and directors, including but not limited to Michael Buchler Lund, president and director, and John C. Lund, director, and have operational control over the day-to-day industrial activities at this Facility. Therefore, they are responsible for managing stormwater at the Facility in compliance with the Clean Water Act.

LOCATION OF THE ALLEGED VIOLATION

The violations alleged in this Notice have occurred and continue to occur at the marina and boat maintenance Facility located at 1 Ferry Street, Fall River, MA 02721.

ACTIVITIES ALLEGED TO BE VIOLATIONS

⁶ See 40 C.F.R. § 122.26(b)(14).

⁷ See 58 Fed. Reg. 61,146, 61,154 (November 19, 1993).

⁸ EPA’s Final National Pollutant Discharge Elimination System Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) was first issued in 1995, reissued in 2000, 2008, and 2015. See 60 Fed. Reg. 50,804 (Sept. 29, 1995); 65 Fed. Reg. 64,746 (Oct. 30, 2000); 73 Fed. Reg. 56,572 (Sept. 29, 2008); 80 Fed. Reg. 34,403 (June 16, 2015). See MSGP parts 1.1 and 1.2.

⁹ See Massachusetts state records:

http://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?FEIN=042978360&SEARCH_TYPE=1 (last visited December 1, 2015).

Borden Light has, and continues to, engage in “industrial activities,” and its operations fall under SIC Codes 4493 and 3732, within the meaning of 40 C.F.R. §§ 122.26(b)(14)(ii) & (viii).¹⁰ Because the Facility has primary SIC Codes of 4493 and 3732 and discharges stormwater associated with industrial activity, Borden Light is required to apply for, obtain coverage under, and comply with the requirements of a NPDES permit such as the MSGP. In addition, Borden Light is required to obtain individual NPDES permit coverage for process wastewater discharges that may result from activities such as hull pressure washing, flushing boat engines and cleaning fuel filters. Borden Light has failed to take any of these required steps.

Activities at the Facility include, but are not limited to: boat transportation, storage, winterization and maintenance; fueling; flushing boats engines and draining blocks or manifolds; hull pressure washing, repairing engines; cleaning and changing oil filters and fuel filters; handling, transferring, storing and disposing of materials; and shipboard processes resulting in improper discharges to storm sewers or into receiving water. Heavy machinery and other equipment is operated and stored outdoors, therefore being exposed to and corroded by the elements. Vehicles driving on and off the Facility site track pollutants off-site.

Industrial equipment, materials and vehicles at the Facility are exposed to precipitation and snowmelt. Precipitation falls on and flows over the Facility, picking up paint solids, heavy metals, total suspended solids (TSS), total dissolved solids (TDS), diesel/gas fuel, ethylene glycol (anti-freeze), acid and alkaline wastes, solvents, oil, low density waste (floatables), trash, and other pollutants associated with the Facility’s operations. The polluted runoff is then conveyed off-site into waters of the United States via man-made collection systems, sloped surfaces and site grading, shallow subsurface hydrological connections, and through the operation of gravity.

STANDARDS AND LIMITATIONS ALLEGED TO HAVE BEEN VIOLATED

The Clean Water Act prohibits the discharge of pollutants to the waters of the United States except in accordance with a valid NPDES permit.¹¹ Borden Light discharges stormwater associated with its industrial activity, as defined by 40 C.F.R. § 122.26(b)(14), from its Facility into waters of the United States. Because Borden Light has not obtained coverage for these stormwater discharges under the MSGP or an individual NPDES permit, it is illegally discharging stormwater without a permit, in violation of Sections 301(a) and 402(p)(2)(B) of the

¹⁰ See MSGP, Appendix D: Activities Covered. Water transportation (SIC 4493) and boat and ship building and repair (SIC 3732) facilities are subject to the requirements of the MSGP for stormwater discharges.

¹¹ 33 U.S.C. § 1311(a).

CWA, 33 U.S.C. §§ 1311(a) and 1342(p)(2)(B).¹² By failing to apply for and comply with the specific requirements of the MSGP and individual NPDES permit program, Borden Light is in violation of Sections 402(p)(3)(A) and 402(p)(4)(A) of the CWA, 33 U.S.C. §§ 1342(p)(3)(A) and (p)(4)(A), and 40 C.F.R. §§ 122.26(c)(1) and (e)(1). In addition, unpermitted discharges of process wastewater constitute violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), and CLF puts Borden Light on notice that CLF intends to pursue claims related to Borden Light's unpermitted discharges of process wastewater to waters of the United States.

a. Borden Light is discharging stormwater to waters of the United States without a permit.

Borden Light is an industrial discharger with primary SIC Codes of 4493 and 3732, which means that pursuant to Section 402(p) of the Act, 33 U.S.C. § 1342(p), Borden Light is obligated to apply for coverage under the MSGP or to obtain other legal authorization. Because Borden Light has operated and continues to operate without a permit under Section 402(p), 33 U.S.C. § 1342(p), Borden Light is in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

In addition, during storm events, Borden Light's "industrial activities" at its Facility have resulted in a "discharge of pollutants" within the meaning of Section 502(12) of the CWA, 33 U.S.C. § 1362(12) and "stormwater discharge associated with industrial activity" within the meaning of 40 C.F.R. § 122.26(b)(14), from its Facility on each and every day that there has been a measurable precipitation event of above 0.1 inches.¹³ There have been many such storm events since 2010. The Facility is generating pollutants from and through at least the following point sources: travel lifts, marina railways and ramp systems, heavy equipment, catch basins and drains, site grading and sloped surfaces, machines and equipment left outdoors, fueling stations, vehicles driving on and off the Facility, and other conveyances to Mount Hope Bay and other waters of the United States.¹⁴ Mount Hope Bay and Narragansett Bay flow into the Atlantic Ocean, all of which are "waters of the United States," as defined in 40 C.F.R. § 122.2, and therefore are also "navigable waters," as defined in Section 502(7) of the CWA, 33 U.S.C.

¹² See 33 U.S.C. § 1362(12); 40 C.F.R. § 122.2; MSGP, Appendix A: Definitions, Abbreviations, and Acronyms (defining the term "discharge of a pollutant" as, *inter alia*, "any addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source'").

¹³ See 40 C.F.R. § 122.26(c)(i)(E)(6). EPA has determined that precipitation greater than 0.1 inches in a 24-hour period constitutes a measurable precipitation event for the purposes of evaluating stormwater runoff associated with industrial activity.

¹⁴ These discharges constitute "point sources" as defined by 33 U.S.C. § 1362(14) and 40 C.F.R. § 122.2. CLF specifically puts Borden Light on notice that the unpermitted stormwater discharges associated with industrial activity include discharges from the Facility areas specified in 40 C.F.R. § 122.26(b)(14). See also 40 C.F.R. § 122.2, which states that the definition of "discharge of a pollutant" "includes additions of pollutants into waters of the United States from: surface runoff which is collected or channelled by man[.]"

§ 1362(7). The Facility is discharging this industrial stormwater without the permit required under Section 402 of the Act, 33 U.S.C. § 1342.

b. Borden Light is discharging process wastewater to waters of the United States without a permit.

Boat washwater is classified as “process wastewater” under the federal Clean Water Act and as defined in 40 C.F.R. § 122.2.¹⁵ Wastewater produced by flushing engines, washing boats, and cleaning fuel filters can contain a variety of pollutants including detergents, oil, grease, and dissolved metals from antifouling paints. Ablative bottom paints, which are designed to slowly slough away from the boat hull, are particularly prone to contaminating washwater with toxic metals such as zinc, copper, and occasionally lead. In addition, solids suspended in washwater, such as paint chips and organic material, can pollute ground and surface water if handled improperly. Process wastewater can be toxic to marine life and can have severe and long-term impacts on aquatic environments. In addition, improperly managed pressure washing or engine flushing operations can result in unsightly plumes that discolor natural waterways and stain natural features with bottom paint and oils.

Discharges of process wastewater that result from flushing engines and cleaning boat equipment are not covered under the MSGP. Discharges of process wastewater must instead be covered under an individual NPDES permit. Borden Light does not have an individual NPDES permit authorizing the discharge of pressure washwater to waters of the United States. CLF intends to pursue claims related to Borden Light’s unpermitted discharges of process wastewater to waters of the United States, namely Mount Hope Bay.

c. Borden Light is violating the Clean Water Act by failing to obtain coverage and failing to comply with the requirements of the MSGP.

Borden Light is violating Sections 402(p)(3)(A) and 402(p)(3)(4) of the CWA, 33 U.S.C. §§ 1342(p)(3)(A) and (p)(4)(A), and 40 C.F.R. §§ 122.26(c)(1) and (e)(1), by failing to apply for, obtain coverage, and comply with the requirements of the MSGP.¹⁶ The Facility has primary SIC Codes of 4493 and 3732 and must obtain coverage under the MSGP for its stormwater discharges and for stormwater discharges from any co-located industrial activities.¹⁷ Borden Light’s failure to obtain coverage and comply with the permit is in violation of the MSGP and Section 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p).¹⁸

¹⁵ “Process wastewater” is here defined as “any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.”

¹⁶ MSGP part 1.1 and 1.2.

¹⁷ See MSGP part 1.1; MSGP parts 8.Q and 8.R.

¹⁸ A thorough search of EPA’s database indicates that Borden Light has not filed an NOI for the Facility.

1) Borden Light Must Develop and Implement a Stormwater Pollution Prevention Plan (SWPPP).

As a prerequisite to applying for coverage under the MSGP, Borden Light must develop and implement a Stormwater Pollution Prevention Plan (“SWPPP”).¹⁹ The SWPPP must include, but is not limited to, the following: information related to a company stormwater pollution prevention team, a site description, a summary of pollutant sources, a description of control measures, and schedules and procedures pertaining to control measures and monitoring.²⁰ Borden Light has failed to develop and implement a SWPPP in accordance with the MSGP requirements in violation of the MSGP and Section 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p).

2) Borden Light Must Submit to EPA a Complete Notice of Intent to be Covered under the MSGP.

To be eligible to discharge under the MSGP, Borden Light must submit a complete Notice of Intent (“NOI”) to the EPA.²¹ To complete the NOI, Borden Light is required to determine whether the body of water to which the stormwater discharges is an “impaired” waterbody, and whether the Facility discharges any specific pollutants listed on the NOI to that waterbody.²² Mount Hope Bay is classified as an “impaired” waterway.²³ Additionally, as part of preparing the NOI, the covered Facility must make certain verifications, such as ensuring that no harm is done to a species in violation of the Endangered Species Act.²⁴ Borden Light has failed to prepare and file an NOI meeting all applicable requirements in violation of the MSGP and Section 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p).

3) Borden Light Must Take Control Measures and Meet Water-Quality Effluent Limitations.

To be eligible to discharge under the MSGP, Borden Light must select, design, install, and implement control measures (including best management practices) to prevent polluted stormwater discharges from reaching nearby waterbodies. Borden Light must address the selection and design considerations in the permit, meet the non-numeric effluent limitations in the permit, and meet limits contained in applicable permit effluent limitations guidelines.²⁵

¹⁹ See MSGP part 5.

²⁰ See MSGP part 5.2.

²¹ See MSGP part 1.2.

²² See MSGP part 2.2.2.

²³ See *supra* note 3.

²⁴ See MSGP part 1.1.4.5 and 2.3.

²⁵ See MSGP part 2.1.

These control practices must be in accordance with good engineering practices and manufacturer's specifications.²⁶ If the control measures are not achieving their intended effect of minimizing pollutant discharges, the permittee must modify these control measures as expeditiously as practicable.²⁷ Borden Light has failed to cover the materials and operations that may result in polluted stormwater runoff. Borden Light has not implemented the required control measures in violation of the MSGP and Section 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p).

4) Borden Light Must Conduct Routine Facility Inspections.

To be eligible to discharge under the MSGP, Borden Light must conduct routine inspections of all areas of the Facility where industrial materials or activities are exposed to precipitation, and must ensure that all stormwater control measures comply with the effluent limits contained in the MSGP.²⁸ Routine inspections must be conducted at least quarterly but in many instances monthly inspections are most appropriate.²⁹ These inspections must occur when the Facility is in operation.³⁰ The schedule of these inspections must be included in the Facility's SWPPP and be performed by qualified personnel.³¹ Borden Light has failed to conduct the required routine inspections in accordance with the MSGP requirements in violation of the MSGP and Section 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p).

5) Borden Light Must Comply with the Required Monitoring and Sampling Procedures.

To be eligible to discharge under the MSGP, Borden Light must collect and analyze stormwater samples and document monitoring activities consistent with the procedures in the MSGP.³² The MSGP requires five types of analytical monitoring (one or more of which may apply) including quarterly benchmark monitoring, annual effluent limitations guidelines monitoring, State or Tribal-specific monitoring, impaired waters monitoring, and other monitoring as required by the EPA.³³ An operator must monitor each outfall identified in the SWPPP covered by a numeric effluent limit.³⁴ Required monitoring must be performed after stormwater events that result in an actual discharge on a required schedule.³⁵ All monitoring data collected under the MSGP must be reported to EPA. Furthermore, because Mount Hope Bay is an "impaired water" under

²⁶ *Id.*

²⁷ *Id.* See also MSGP Part 4.

²⁸ See MSGP part 3.1.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² See MSGP part 6.

³³ See MSGP part 6.2.

³⁴ See MSGP part 6.1.1.

³⁵ See MSGP part 6.1.3.

Section 303(d) of the CWA, 33 U.S.C. § 1313(d), Borden Light must monitor for all pollutants for which Mount Hope Bay is impaired.³⁶ Borden Light has failed to conduct the required monitoring under the MSGP and has failed to submit the required monitoring reports to EPA in violation of the MSGP and Section 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p).

6) Borden Light Must Carry out the Required Reporting and Recordkeeping.

Borden Light must maintain and submit any and all required monitoring data.³⁷ Such monitoring data includes the following: an annual report to EPA which includes the Facility's findings from the annual comprehensive site inspection and any documentation of corrective actions;³⁸ an Exceedance Report to the EPA if any of the follow-up monitoring shows exceedances of a numeric effluent limit;³⁹ and any other required reports under the MSGP.⁴⁰ Borden Light has failed to maintain the required records and failed to submit all required monitoring data under the MSGP in violation of the MSGP and Section 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p).

7) Borden Light Must Comply with the Requirements of MSGP Parts Q and R

Borden Light must also comply with the sector-specific requirements contained in Subparts Q and R under Part 8 of the MSGP.⁴¹ Subparts Q and R require water transportation and boat building and repair facilities to implement additional technology-based effluent limits,⁴² meet additional SWPPP and inspection requirements,⁴³ and monitor stormwater discharges for compliance with the benchmark limitations applicable specifically to water transportation facilities.⁴⁴ Borden Light has failed to comply with the requirements of Subparts Q and R of the MSGP in violation of the MSGP and Section 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p).

DATES OF VIOLATION

Each day on which Borden Light operates its Facility without permit coverage or discharges stormwater and/or process wastewater without a permit from the Facility is a separate and distinct violation of Sections 301(a) and 402(p)(2)(B) of the CWA, 33 U.S.C. §§ 1311(a) and 1342(p)(2)(B).

³⁶ See MSGP part 6.2.4.

³⁷ See MSGP part 7.

³⁸ See MSGP part 7.5.

³⁹ See MSGP part 7.6.

⁴⁰ See MSGP part 7.7.

⁴¹ See MSGP, Appendix D, Table D-1, Sectors Q and R.

⁴² See MSGP parts 8.Q.3; 8.R.3.

⁴³ See MSGP part 8.Q. 4; 8.Q.5; 8.R.4; 8.R.5

⁴⁴ See MSGP 8.Q.6.

Borden Light has discharged stormwater without a permit in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), on every day since at least 2010 on which there has been a measurable precipitation event. Each day on which Borden Light operates its Facility without permit coverage or discharges process water without a permit from the Facility is a separate and distinct violation of Section 301(a) of the CWA, 33 U.S.C. §§ 1311(a).

Every day, since at least 2010, on which Borden Light has failed and continues to fail to apply for, obtain coverage, and comply with the requirements of the MSGP is a violation of Section 402(p)(3)(A) and (p)(4)(A) of the CWA, 33 U.S.C. §§ 1342(p)(3)(A) and (p)(4)(A).

Each day on which Borden Light operates its Facility without permit coverage or discharges process wastewater without a permit from the Facility is a separate and distinct violation of Section 301(a) of the CWA, 33 U.S.C. §§ 1311(a).

These violations are ongoing and continuous, and barring a change in the stormwater management controls at the Facility and full compliance with the permitting requirements of the Clean Water Act, these violations will continue indefinitely.

RELIEF REQUESTED

Borden Light is liable for the above-described violations occurring prior to the date of this letter, and for every day that these violations continue. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Act subjects Borden Light to a penalty up to \$37,500 per day for each violation that occurred after January 12, 2009.⁴⁵ CLF will seek the full penalties allowed by law.

In addition to civil penalties, CLF will seek declaratory relief and injunctive relief to prevent further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and such other relief as permitted by law. CLF will seek an order from the Court requiring Borden Light to correct all identified violations through direct implementation of control measures and demonstration of full regulatory compliance.

Lastly, pursuant to Section 505(d) of the Act, 33 U.S.C. § 1365(d), CLF will seek recovery of costs and fees associated with this matter.

CONCLUSION

During the 60-day notice period, CLF is willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of further litigation. If you wish to pursue such

⁴⁵ 40 C.F.R. § 19.2



discussions, please have your attorney contact Zachary Griefen within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing at the conclusion of the 60 days.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zachary K. Griefen", is written over a horizontal line.

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